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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/323,715	06/01/1999	GORDON COTTER CUNNINGHAM	BL01134-009B	9551
8698	7590	11/02/2006		
STANDLEY LAW GROUP LLP 495 METRO PLACE SOUTH SUITE 210 DUBLIN, OH 43017			EXAMINER HARBECK, TIMOTHY M	
			ART UNIT	PAPER NUMBER
			3692	

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/323,715

Applicant(s)

CUNNINGHAM, GORDON  
COTTER

Examiner

Timothy M. Harbeck

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 August 2006.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al (hereinafter Jones, US PAT 5,797,133) in view of DeFrancesco et al (hereinafter DeFrancesco, US PAT 5,878,403).

**Re Claim 1:** Jones discloses an electronic method for locating financial card offers comprising:

- Storing in at least one database financial card data for participating financial card offers, comprising terms for at least one financial card offer from a participating financial institution (Column 3, lines 4-21 and Column 5 lines 15-18)
- Providing selection criteria associated with said financial card data from a participating financial institutions associated with said financial card data from each of said participating financial institution (Column 5, lines 15-18)
- Prompting a user for application data for use in assigning a rating to said user to locate financial card offers for said user (Column 3, lines

- 9-10; Column 5 lines 29-47; Column 6 lines 21-25 "includes a score relating to the credit worthiness of the potential borrower.")
- Analyzing said application data provided by said user and assigning a rating to said user based on said analyzing of said application data (Column 5, line 66-Column 6 line 28)
- Locating financial card offers for said user by comparing said rating of said user with said selection criteria of said financial card data for said participating financial institution (Column 6, lines 29-49)
- Presenting to said user for review said financial card offers located for said user by comparing rating of said user with said selection criteria of said financial card data for said participating financial institution (Column 6, line 64-Column 7 line 37)

Jones does not explicitly disclose wherein the user is a computer user and wherein the offers are submitted to a plurality of different financial institutions.

DeFrancesco discloses a computer implemented automated credit application analysis and decision routing system wherein a user is a computer user inputs application data that is forwarded to funding sources for a decision (See abstract). Furthermore DeFrancesco discloses wherein the application data is forwarded to one or more banks as directed by the user (Column 7, lines 51-53), in a technique referred to as shotgunning (Column 10, lines 59-60). It would have been obvious to a person of ordinary skill in the art to include the teachings of DeFrancesco to the method of Jones so that a user of the system could quickly and efficiently submit application data to a

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plurality of potential loan providers. This would allow the user to assess a variety of offers and allow them to choose the best available terms.

**Re Claim 2:** Jones in view of DeFrancesco discloses the claimed method supra, but does not explicitly disclose the step further comprising sending said computer user a financial card in accordance with an accepted financial card offer. However, Jones does disclose that the method can be used for other information involving credit (Column 8, lines 24-26). Official Notice is taken that credit offers were well known in the art to include financial cards such as credit cards. It would have been obvious to a person of ordinary skill in the art to include this step so that users could utilize the system to obtain a financial card. Furthermore the step of sending this card, if approved would have been obvious so that the user could take use the card at relevant merchants.

**Re Claim 3:** Jones in view of DeFrancesco discloses the claimed method supra and Jones further discloses wherein said rating is a financial risk rating (Column 6, lines 21-25)

**Re Claim 4:** Jones in view of DeFrancesco discloses the claimed method supra and DeFrancesco further discloses wherein said participating financial institutions modify said financial card data (Column 8, lines 31-35).

**Re Claim 5:** Jones in view of DeFrancesco discloses the claimed method supra and Jones further discloses the step of uploading said modified financial card data (Column 3, lines 22-26; "providing information regarding the lender's current interest rates to a remote location.")

**Re Claim 6:** As described in previously rejected claim 1-5, Jones and DeFrancesco disclose the steps of defining terms for financial cards, obtaining application data for a use in providing a rating for the applicant to locate offers according to selection criteria at a plurality of institutions, providing a rating of said applicant, locating offers to present to the applicant by comparing rating data with selection criteria and presenting offers to applicant.

Furthermore DeFrancesco discloses

- Creating a public network site said site associated with an identifier for accessing said site (Column 5, line 61-Column 6 line 2, Column 6 lines 17-20, 26-31; Ref 104)
- Obtaining application data for a financial card applicant accessing said site using said identifier (Column 5, line 61-Column 6 line 2, Column 6 lines 17-20, 26-31)

It would have been obvious to a person of ordinary skill in the arts to further include the steps of creating a network site for accessing application data to provide the user with an fast and efficient way to access and research information and assess potential credit card offers that they may or may not be eligible.

**Re Claim 7:** Jones in view of DeFrancesco discloses the claimed method supra and DeFrancesco further discloses sending information regarding said applicant to a participating financial institution sponsoring said offer accepted by said applicant (Column 9, lines 24-27; lines 5-12)

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**Re Claim 8:** Jones in view of DeFrancesco discloses the claimed method supra, but does not explicitly disclose the step further comprising sending said computer user a financial card in accordance with an accepted financial card offer. However, Jones does disclose that the method can be used for other information involving credit (Column 8, lines 24-26). Official Notice is taken that credit offers were well known in the art to include financial cards such as credit cards. It would have been obvious to a person of ordinary skill in the art to include this step so that users could utilize the system to obtain a financial card. Furthermore the step of sending this card, if approved would have been obvious so that the user could take use the card at relevant merchants.

**Re Claim 9:** Further system claim would have been obvious in order to perform the previously rejected method claim 6 and is therefore rejected using the same art and rationale.

**Re Claim 10:** Further system claim would have been obvious in order to perform the previously rejected method claim 1 and is therefore rejected using the same art and rationale.

**Re Claim 11:** Jones in view of DeFrancesco discloses the claimed system supra and Jones further discloses wherein said application data comprises the applicant's name, telephone number, home address, e-mail address, income, other assets and liabilities and bank account numbers (C5 lines 36-40).

**Re Claim 12:** Jones in view of DeFrancesco discloses the claimed system supra and Jones further discloses wherein said at least one financial offering for said applicant

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is located in accordance with a grading system process (Column 5 line 66-Column 6 line 28).

**Re Claim 13:** Jones in view of DeFrancesco discloses the claimed system supra and Jones further discloses wherein said grading system process assigns a grade/score to the applicant using the application data and credit history data and uses the grade/score to search each participating financial institutions selection criteria to locate the appropriate financial offerings (Column 6, lines 29-49)

**Re Claim 14:** Jones in view of DeFrancesco discloses the claimed system supra and Jones further discloses wherein each financial institution's selection criteria are organized as a matrix associating financial offering data with a minimum grade/score combination (Column 6, lines 29-49 "table of score ranges obtained by the lender.")

**Re Claim 15:** Jones in view of DeFrancesco discloses the claimed system supra but does not explicitly disclose the step wherein each of said at least one financial offering is presented to the applicant in a single computer display. Jones does however disclose displaying the offer(s) to a customer in a hard copy format (Column 7, lines 1-8). It would have been obvious to a person of ordinary skill in the art to include this step to the disclosure of Jones in view of DeFrancesco so that a customer can, in real-time, access the results of their application from a computer such as the one described in DeFrancesco. This improves the efficiency of the entire system in that a customer need not wait to be mailed results.

**Re Claim 16:** Jones in view of DeFrancesco discloses the claimed system supra and Jones further discloses wherein said at least one financial offering is presented in



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the form of a menu comprising a summary of said at least one financial offering from which the applicant may make a selection to review the details of the financial offering (Column 7, lines 1-8)

**Re Claim 17:** Jones in view of DeFrancesco discloses the claimed system supra but does not explicitly disclose wherein said at least one financial offering is a credit card offering. However, Jones does disclose that the method can be used for other information involving credit (Column 8, lines 24-26). Official Notice is taken that credit offers were well known in the art to include financial cards such as credit cards. It would have been obvious to a person of ordinary skill in the art to include this step so that users could utilize the system to obtain a financial card. Furthermore the step of sending this card, if approved would have been obvious so that the user could take use the card at relevant merchants.

**Re Claim 18:** Jones discloses a method for presenting financial offerings comprising:

- Obtaining financial institution data comprising financial institution selection criteria and financial offering data for participating financial institutions, wherein said financial institution selection criteria comprises financial risk ratings associated with financial offerings (Column 3, lines 4-21 and Column 5 lines 15-18)
- Storing said financial institution data in a first database (Column 5, lines 15-18)

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- Prompting an applicant for application data for use in assigning a financial risk rating to said applicant to locate financial offerings for said applicant (Column 5, lines 29-47)
- Obtaining from said second database credit history data for said applicant in accordance with said application data (Column 5 line 66-Column 6 line 28)
- Assigning a financial risk rating to said applicant in accordance with said credit history from said second database (Column 6, lines 21-26)
- Selecting from said financial institution data for participating financial institutions financial offerings in accordance with said financial risk rating and said financial institution selection criteria for participating financial institutions (Column 6, lines 29-49)
- Presenting to said applicant for review selected financial offerings (Column 6 line 64-Column 7 line 8)

Jones does not explicitly disclose wherein the user is a computer user and wherein the offers are submitted to a plurality of different financial institutions.

DeFrancesco discloses a computer implemented automated credit application analysis and decision routing system wherein a user is a computer user inputs application data that is forwarded to funding sources for a decision (See abstract). Furthermore DeFrancesco discloses wherein the application data is forwarded to one or more banks as directed by the user (Column 7, lines 51-53), in a technique referred to as shotgunning (Column 10, lines 59-60). It would have been obvious to a person of

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ordinary skill in the art to include the teachings of DeFrancesco to the method of Jones so that a user of the system could quickly and efficiently submit application data to a plurality of potential loan providers. This would allow the user to assess a variety of offers and allow them to choose the best available terms.

**Re Claims 19-25:** Further method claims would have been obvious from the previously rejected system claims 11-17 and are therefore rejected using the same art and rationale.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Harbeck whose telephone number is 571-272-8123. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
RICHARD E. CHILCOT, JR.  
SUPERVISORY PATENT EXAMINER